

Notice of Allowability

Application No.

10/534,182

Examiner

Roy M. Punnoose

Applicant(s)

NAKAJIMA, SHINYA

Art Unit

2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 02/21/2007.
2. ☒ The allowed claim(s) is/are 1, 5 and 8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 02/21/2007 is acknowledged and has been entered into the records. The applicant has amended claims 1, 5 and 8 and cancelled claims 2-4, 6-7 and 9-10 in response to the previous office action. The Examiner has accepted applicant's amendments and arguments with regard to the claims and the drawings. Claims 1, 5 and 8 are currently pending in the application.

Allowable Subject Matter

2. Claims 1, 5 and 8 are allowable.

3. Claim 1 is allowable because, prior art of record taken alone or in combination, fails to disclose or render obvious a measuring instrument for measuring an fluorescence intensity of fluorescence of each of a plurality of fluorescent coloring matters when a sample mixed with the plurality of fluorescent coloring matters having different excitation wavelengths is irradiated with light having different wavelengths, comprising: a light amount monitor that detects a light amount of light emitted by the light source unit and outputs a signal to a calculation section, which corrects for different compounds absorbing and fluorescing at different wavelengths using a correction coefficient matrix, and the correction coefficient matrix corrects the output values of the matrix elements based on the signal output from the light amount monitor, in combination with the rest of the limitations of claim 1.

4. Claim 5 is allowable for reasons similar to the reasons for allowability of claim 1 above because claim 5 comprises method-steps that is carried out on the instrument of claim 1, and has limitations similar to that of claim 1.

5. Claim 8 is allowable for reasons similar to the reasons for allowability of claim 5 above because claim 8 comprises instructions on a computer-recording medium that carries out method-steps of claim 5, and has limitations similar to that of claim 5.

Note: The closest prior art that were used in the previous office action, Modlin et al (US 6,466,316) and Hazama (US 2002/0090630 A1), does not teach a light amount monitor that detects a light amount of light emitted by the light source unit and outputs a signal to a calculation section, which corrects for different compounds absorbing and fluorescing at different wavelengths using a correction coefficient matrix, and the correction coefficient matrix corrects the output values of the matrix elements based on the signal output from the light amount monitor.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact/Status Information

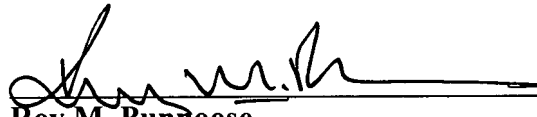
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tarifur Chowdhury** can be reached on **571-272-2287**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May13, 2007


Roy M. Punnoose
Patent Examiner
Art Unit 2886